



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,945	08/07/2001	Mikio Fukasawa	P67026US0	9504

136 7590 12/21/2005

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/922,945	FUKASAWA, MIKIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13, 15 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the RCE dated September 27, 2005 with the amendments to claims 1 and 14 and the cancellation of claims 13, 15 and 18.

Claims 1-12, 14, 16-17 and 19-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12, 14, 16-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Beach et al. (5,388,268), Frison et al. (6,049,789), Ginter et al. (6,658,568), Sakamoto et al. (10-326245), Machida (09-091179), Johnson et al. (5,964,839), Freund (5,987,611), Hirokawa (6,697,172) and Wattenberg (6,583,794).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Frison et al. (6,049,789) in view of Ginter et al. (6,658,568) in view of Sakamoto et al. (10-326245) and further in view of Machida (09-091179).

Beach discloses a method and apparatus for providing visual indications of the states of a plurality of software processes located in various instruments of a distributed computer system comprising a monitor computer for monitoring a computer and a monitor-subject computer to be monitored by the monitor computer (Fig. 1) wherein the monitor-subject computer records a log of a use state of application software products (col. 3, lines 27-36); and the monitor computer acquires the log from the monitor-subject computer to calculate a using time and a use rate for each of the application software products excluding a time of an idle state and a time and a use rate of the idle state (Fig. 2), and outputting a use efficiency (col. 1, lines 27-32).

Beach does not expressly disclose said monitor-subject computer reads out the recorded logs, outputs and transmits them collectively to the monitor computer.

Frison et al. discloses a system of managing software licenses comprising one or more licensor systems (i.e. monitor computer) and one or more licensee (i.e. monitor-subject computer), the monitor-subject computers read out the recorded logs, outputs and transmits them collectively to the monitor computer (the licensee systems operate to monitor operational states and usage data for the software applications (Fig. 1; col. 2,

line 56 – col. 3, line 7) and licensee systems send state and usage data to a licensor system (Fig. 3, col. 4, lines 10-12)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of reading out the recorded logs, outputting and transmitting them collectively to the monitor computer in the system of Beach as Frison discloses so as to effectively monitor software products.

Beach and Frison do not disclose deleting the recorded logs from the monitor-subject computer.

Ginter discloses a system for effectively and efficiently monitoring and measuring usage on the local computer comprising deleting the recorded logs from the monitor-subject computer (col. 50, lines 48-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of deleting the recorded logs from the monitor-subject computer in the system of Beach and Frison, as Ginter discloses so as to effectively use local computer memory.

Beach, Frison and Ginter do not disclose calculate a using time which is a subtraction of idle state time from a time when the application software products are activated up to the completion of the application software products.

Sakamoto discloses calculating a using time which is a subtraction of idle state time that is a time period from a time point when a certain time has passed from an action of the application software products up to a next action, from a time when the

application software products are activated up to the completion of the application software products (Drawing 3, paragraphs [0021-0026]).

It would have been obvious to the one of ordinary skill in the art at the time of the invention to employ the use of calculating a using time with which is a subtraction of idle state time that is a time period from a time point when a certain time has passed from an action of the application software products up to a next action, from a time when the application software products are activated up to the completion of the application software products in the system of Beach, Frison and Ginter, as Sakamoto teaches to correctly monitoring usage time of products/services.

However Sakamoto does not disclose use rate of each product, total using time, and total idle time of products.

Machida discloses providing working rate result for respective terminals, departments and users for respective applications relating to the time of the active state and the inactive state (i.e. idle) of respective application execution windows (Abstract).

Machida discloses a total using time and total idle state time of all products (paragraphs [0006], [0017]) and outputs a use efficiency including the using time and use rate for each products and the total idle time (paragraph [0009], [0017]).

It would have been obvious to the one of ordinary skill in the art at the time of the invention to employ the use of calculating the usage rate of each products, total usage time and total idle time in the system of Beach, Frison, Ginter and Sakamoto as Machida teaches so as to provide more information for use efficiency.

Art Unit: 2137

Beach, Frison, Ginter, Sakamoto and Machida do not disclose using rate of idle state.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of calculating the usage rate of idle state as the matter of design choice so as to provide more parameters in efficiently monitoring use efficiency.

b) As to claim 14, most of claimed limitation is addressed by the combination of Beach, Sakamoto and Machida in above claim 1.

Machida discloses an example of popular ranking (Drawing 7) (ranking of the total reference time). It is a usual practice for a person with an ordinary skill in the art to allow a computer to display a list in the predetermined order. It is obvious for a person with an ordinary skill in the art to conceive a structure which displays a list of the names of monitor-subject computers in the order of the availability factor.

5. Claims 3-4 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Frison et al. (6,049,789) in view of Ginter et al. (6,658,568) in view of Sakamoto et al. (10-326245) in view of Machida (09-091179) and further in view of Johnson et al. (5,964,839).

a) As to claims 3-4 and 11-12, Beach does not disclose a monitor computer acquires a log of characters input.

Johnson discloses data monitoring and collection system comprising a monitor computer acquires a log of characters input at a monitor-subject computer (col. 3, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging input characters as Johnson teaches in the system of Beach, Frison, Ginter, Sakamoto and Machida so as to determine any illegal document creation via entered keystrokes and input efficiency based on number of input characters.

b) As to claims 9-10, Beach does not disclose a monitor computer acquires a log of software installation/un-installation.

Johnson discloses data monitoring and collection system comprising a monitor computer acquires a log of software installation/un-installation (col. 4, lines 2-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging software installation/uninstallation as Johnson teaches in the system of Beach, Frison, Ginter, Sakamoto and Machida so as to determine when new application becomes active and any illegal software installation.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Frison et al. (6,049,789) in view of Ginter et al. (6,658,568) in view of Sakamoto et al. (10-326245) in view of Machida (09-091179) and further in view of Freund (5,987,611).



a) As to claims 5-6, Beach does not disclose a monitor computer acquires a log of contents of mail transmission/reception.

Freund discloses system and methods for regulating access and maintaining security of individual computer systems and LANs connected to a larger open networks including the Internet (col. 1, lines 24-29) wherein a monitor computer acquires a log of contents of mail transmission/reception (Abstract; Fig. 7E).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging incoming/outgoing mails as Freund teaches in the system of Beach, Frison, Ginter, Sakamoto and Machida so as to analyze and detect any unauthorized access to the mail system.

b) As to claims 7-8, Beach does not disclose a monitor computer acquires a log of browsing over the Internet.

Freund discloses a computing environment with methods for monitoring access to an open network wherein a monitor computer acquires a log of browsing over the Internet, a list of URLs (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging incoming/outgoing mails as Freund teaches in the system of Beach, Frison, Ginter, Sakamoto and Machida so as to analyze and detect any unauthorized browsing.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Frison et al. (6,049,789) in view of Ginter et al. (6,658,568) in

view of Sakamoto et al. (10-326245) in view of Machida (09-091179) and further in view of Hirokawa (6,697,172).

Beach discloses a method and apparatus for providing visual indications of the states of a plurality of software processes located in various instruments of a distributed computer system comprising a monitor computer for monitoring a computer and a monitor-subject computer to be monitored by the monitor computer (Fig. 1) wherein the monitor-subject computer acquires a log of a use state of application software products (col. 3, lines 27-36). However he does not disclose the monitor computer acquires the log from the monitor subject computers to calculate a working rate of the application software and display a list of the monitor subject computers in an order of the working rate.

Hirokawa discloses a system and method relates to a facsimile apparatus which is capable of transmitting measurement data relating to facsimile performance to a control center comprising the control center calculates the usage rates of memories of the facsimile (Fig. 2, element 19) and displays a list in an order of the usage rate (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of calculating the usage ratio as Hirokawa teaches in the system of Beach, Frison, Ginter, Sakamoto and Machida so as to better track the products usage.

8. Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Frison et al. (6,049,789) in view of Ginter et al. (6,658,568) in view of Sakamoto et al. (10-326245) in view of Machida (09-091179) in view of Freund (5,987,611) and in view of Wattenberg (6,583,794).

Freund discloses a computing environment with methods for monitoring access to an open network wherein a monitor computer acquires a log of browsing over the Internet, a list of URLs (Abstract) and monitor computer calculates using time and viewing time (col. 10, line 45 to col. 11, line 28).

However Freund does not disclose monitor computer classifies the products to be used or home pages to be accessed into specific items and display using and viewing time for each classification.

Wattenberg discloses an interface system for web site maintenance wherein home pages are assigned to specific categories and usage rate of each category is monitored (col. 17, lines 51-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of classifying products to be used or home pages to be accessed into specific items and monitor each classification accordingly as Wattenberg teaches in the system of Beach, Frison, Ginter, Sakamoto, Machida and Freund so as to monitoring the popularity of a web site and individual, specific web pages (col. 17, lines 58-60).

Art Unit: 2137

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

  
mdn  
12/15/05

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER